

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BLAKE LIVELY,

Plaintiff,

-v-

WAYFARER STUDIOS LLC, JUSTIN
BALDONI, JAMEY HEATH, STEVE
SAROWITZ, IT ENDS WITH US MOVIE LLC,
MELISSA NATHAN, THE AGENCY GROUP PR
LLC, JENNIFER ABEL, JED WALLACE, and
STREET RELATIONS INC.,

Defendants.

Case No. 1:24-cv-10049-LJL
(consolidated with 1:25-cv-00449-LJL)

JENNIFER ABEL,

Third-Party Plaintiff,

-v-

JONESWORKS LLC,

Third-Party Defendant.

WAYFARER STUDIOS LLC, JUSTIN
BALDONI, JAMEY HEATH, IT ENDS WITH US
MOVIE LLC, MELISSA NATHAN, JENNIFER
ABEL, and STEVE SAROWITZ,

Consolidated Plaintiffs,

-v-

BLAKE LIVELY, RYAN REYNOLDS, LESLIE
SLOANE, VISION PR, INC., and THE NEW
YORK TIMES COMPANY.

Consolidated Defendants.

DECLARATION OF KRISTIN E. BENDER
IN SUPPORT OF JOINT MOTION TO AMEND THE COURT’S CASE
MANAGEMENT PLAN AND SCHEDULING ORDER

I, Kristin E. Bender, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney admitted to practice before this Court, a partner in the law firm of Willkie Farr & Gallagher LLP, 1875 K Street NW, Washington, DC 20006, and counsel of record for Blake Lively in the above-captioned action.

2. I respectfully submit this declaration in support of the motion by Ms. Lively and the Jones Parties (Ms. Jones and Jonesworks, LLC) to Amend the Court’s Case Management Plan and Scheduling Order. *See* ECF No. 58.

3. On June 5, Ms. Lively and the Wayfarer Parties agreed that the Lively and Wayfarer Parties would each take 20 depositions. *See* Exhibit A.

4. The agreement included that additional depositions in connection with the related case would further need to be coordinated. *Id.*

5. On June 25, 2025, I emailed counsel for all parties proposing that the parties agree and jointly request that this Court extend the close of fact discovery by a month to September 18 (to run concurrently with expert discovery), complete party document production by July 15, and enter into a shared briefing schedule in connection with discovery. *See* Exhibit B at 7–8.

6. On June 27, counsel for the Jones Parties agreed to the initial proposal. On the same date, counsel for Mr. Jed Wallace and Street Relations, Inc. (the “Wallace Parties”) also agreed to the initial proposal. *Id.* at 6. Counsel for the Wayfarer Parties responded on July 1 and did not consent to the proposal but noted that they wished to take Ms. Lively’s deposition on July 17, 2025.

7. On June 26, counsel for the Wayfarer Parties confirmed that production of the Film footage would involve approximately 100 terabytes of data, and sought to coordinate production of those materials. *See* Exhibit C. I understand from public sources that 100 terabytes of data is a significant volume that, if HD video, could amount to roughly 50,000 hours of video. I am informed by my technology team that this is anticipated to take a substantial amount of time (in days) to process, and we have been unable to ascertain basic information as to sorting or what content is provided on a per-drive basis that would streamline the process.

8. Ms. Lively first requested production of the footage in an RFP to Mr. Baldoni served on February 20, 2025, and in subsequent requests. Slipsheets for the footage were produced on June 30, long after Ms. Lively had made clear the production of such footage was necessary to Ms. Lively's preparation for her deposition.

9. Through counsel, Ms. Lively has received two packages containing 11 hard drives of Film footage, and has been provided the tracking numbers in connection thereto. However, as of the date of this filing, counsel for the Wayfarer Parties have failed to provide any additional tracking number for the anticipated final package with the remaining 3 hard drives, and Ms. Lively has yet to receive the additional package containing these hard drives notwithstanding the substantial completion deadline. Further, due to an error in the passcode provided to Ms. Lively, access as to the earlier received hard drives only became possible as of late evening on July 2, when the correct passcode was conveyed.

10. On June 27, counsel for Ms. Lively and the Wayfarer Parties (joined for part by counsel for the Wallace Parties) met and conferred telephonically regarding the upcoming calendar for depositions. Prior to the call, on June 24, counsel for the Wayfarer Parties shared availability for Mr. Heath of July 28 or 29 and Mr. Baldoni of July 30 or 31. On the call, counsel

for the Wayfarer Parties did not provide sufficient or detailed information regarding why their clients would be unavailable for broad swaths of time, such as Ms. Nathan and Ms. Abel for all of July. After the call, on June 30, counsel for the Wayfarer Parties shared availability for their individual clients as follows: Jamey Heath (July 28 or 29), Justin Baldoni (July 30 or 31), Melissa Nathan (August 13), Jennifer Abel (August 14), Steve Sarowitz (August 5 or 7). *See* Exhibit D at 1.

11. On the evening of July 1, the Lively, Jones, and Wayfarer Parties made productions in connection with the Case Plan's deadline for substantial completion. On July 1, the Wayfarer Parties made document productions in the Lively Action including the following: Jennifer Abel (229 documents, adding to 18 produced on May 28), Melissa Nathan (81 documents), The Agency Group (the same 81 documents), Steve Sarowitz (3 pages of documents), and Wayfarer, IEWU, Heath, and Baldoni collectively (at least 170,000 pages of documents). I understand from counsel for the Jones Parties that in the Jones Action, the Wayfarer Parties made the following document productions: Jennifer Abel (119 documents), Justin Baldoni (98 documents), Ms. Nathan (144 documents), and Wayfarer (870 documents). Ms. Nathan and TAG collectively have produced less than 300 pages whereas, by contrast, Ms. Lively has produced 4,909 documents and over 21,000 pages as a single individual. I also understand from counsel for the Jones Parties that the Jones Parties have produced 12,099 documents and over 37,000 pages. Ms. Lively has issued over 32 sets of Requests for Production and 30 Interrogatories to the Parties, and I understand from my team who has tracked this information that Ms. Lively, the Wayfarer Parties, and Jonesworks have collectively issued over 1,971 Requests for Production and 150 Interrogatories.

12. On July 2, the parties convened to meet and confer on discovery matters. During that meet and confer, counsel for the Wayfarer Parties represented that substantial completion had been completed as to their clients and acknowledged that the Film footage had not been produced to the Jones Parties (and committed to work on the same). As to the initial proposal to extend the close of document discovery to September 18 (*see supra* ¶ 5 and Exhibit B), counsel for the Wayfarer Parties indicated that the parties should be able to take all depositions, including two per day to finish by August 14 in the multiple locations, but did not address the other proposed interim dates. On July 2, counsel for the Wayfarer Parties stated they would provide additional dates of availability for Mr. Baldoni, Mr. Heath, Mr. Sarowitz, Ms. Nathan, and Ms. Abel. Those dates remain outstanding as of the time of this filing.

13. On July 3, I emailed counsel to propose the schedule that is the subject of the instant Motion. *See* Exhibit B. As of the time of filing, I did not hear back from the Wallace Parties or the Wayfarer Parties, but the Jones Parties agreed.

14. I also submit this declaration to place before the Court true and correct copies of the following documents:

15. A true and correct copy of an email chain ending on June 5, 2025 and starting on May 23, 2025 between counsel for Ms. Lively, the Wayfarer Parties, and the Wallace Parties regarding the total number of depositions (excluding attachment) is attached hereto as **Exhibit A**.

16. A true and correct copy of an email chain ending on July 3, 2025 between counsel for Ms. Lively, the Wayfarer Parties, the Wallace Parties, and the Jones Parties regarding the discovery schedule proposals is attached hereto as **Exhibit B** (excerpted for length).

17. A true and correct copy of email correspondence dated June 26, 2025 between counsel for Ms. Lively and the Wayfarer Parties is attached hereto as **Exhibit C**.

18. A true and correct copy of an email chain ending on July 1, 2025 between counsel for Ms. Lively, the Wayfarer Parties, the Wallace Parties, and the Jones Parties regarding the deposition scheduling is attached hereto as **Exhibit D** (excerpted for length).

19. A proposed amended Case Management Plan reflecting adjustments in pink font is attached hereto as **Exhibit E**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 3, 2025

Kristin E. Bender

/s/ Kristin E. Bender

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